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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,759	02/12/2002	Anthony Noerpel	PD-201178	9286

7590 12/17/2004

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EXAMINER	
PEREZ, JULIO R	
ART UNIT	**PAPER NUMBER**
2681	

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/074,759	NOERPEL ET AL.	
	Examiner	Art Unit	
	Julio R Perez	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 February 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *8-13* is/are allowed.

6)☒ Claim(s) *1-4,14* is/are rejected.

7)☒ Claim(s) *5-7 and 15* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 15 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 15 is an improper dependent claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al. (6249515).

Regarding claim 1, Kim et al. disclose a wireless radio terminal for transmitting and receiving packets over a wireless network, comprising: a first access request signal generator for generating a first access request signal (col. 4, lines 10-23; Fig. 2, a call request is effectuated via a slot channel reserved for a requesting purpose), a second access request signal generator for generating a second access request signal (col. 4, lines 18-36, the passage reads upon the fact that a new request is made via a RACH

channel in order to provide information to be sent via traffic channels), wherein said first access request signal generator is adapted to transmit said first access request signal on a first channel, said first channel having a duration equal at least to the duration of said first access request signal plus a maximum timing uncertainty between unsynchronized terminals (col. 3, lines 37-51; col. 4, lines 25-60, the request is transmitted via a sub-slot reserved for accessing the system and it is associated with the time duration of a typical TDMA slot time), and wherein said second access request signal generator is adapted to transmit said second access request signal on a second channel within a second window having a duration less than the duration of said first window (col. 3, lines 37-51; col. 4, lines 25-63, the RACH channel serves as the means for transporting the request signal and timing synchronization).

Regarding claim 2, Kim et al. disclose, wherein said first channel is equal in duration to an integer number of time slots, at least equal to two time slots (col. 3, lines 42-61; col. 4, lines 10-16; Figs. 1-2, channels are divided into several time slots or sub-channels).

Regarding claim 3, Kim et al. disclose, wherein said second channel has duration equal to an integer number of time slots col.4, lines 10-36, channels are divided into several sub-channels, which correspond to the duration of a common TDMA slot time).

Regarding claim 4, Kim et al. disclose, wherein said second channel is within the frequency range associated with traffic channels (col. 4, lines 10-63, the channel correspond to a time slot in a TDMA system frame on a physical carrier frequency,

which may consist of a physical carrier frequency of 625 KHz band around a central frequency of 800 MHz) .

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (6249515) in view of Moerder (6674730).

Regarding claim 14, Kim et al. disclose a method of transmitting access request signals in a wireless network, said method comprising the steps of: receiving a beacon signal from said network identifying a time frame (col. 3, lines 65-67; col. 4, lines 1-9, the system provides access channels on downlink mode), dividing a communication channel into a plurality of sub-channels, said channel having a continuous range of frequencies (col. 3, lines 10-24, the TDMA system comprises a set of sub-channels corresponding to a set of time slot in a TDMA system frame on a physical carrier frequency), transmitting a first electromagnetic signal in a first one of said plurality of sub-channels during a first of a plurality of time slots, said first electromagnetic signal having a duration less than one of said time slots (col4, lines 2-46, signals are transmitted on a set of time slots reserved for uplink communication), abstaining from transmitting electromagnetic signals on said first sub-channel during at least a second

of said plurality of time slots (col. 4, lines 4-57, the system decreases activation of the random access function in order to decrease other type of traffic).

Kim et al. do not explicitly disclose receiving timing correction information from said network, based on said timing correction information, transmitting a second electromagnetic signal in a second one of said plurality of sub-channels during a third of said plurality of time slots, said second electromagnetic signal having a duration less than one of said time slots.

Moerder teaches synchronization between transmitting and receiving and correction mechanisms (col. 2, lines 55-67; col. 3, lines 1-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the communication system as taught by Kim by implementing the system with correction means in order to correct any errors during receiving and transmitting synchronization.

Allowable Subject Matter

6. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claim 8 is allowed.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the art with respect to traffic and access in communication systems.

US Pat. No. 20010055275 to Herman et al.	Wireless network and capacity measurement
US Pat. No.5355374 to Hester et al.	Auxiliary channel allocation
US Pat. No. 6795420 to Moulsley et al.	Radio communication system
US Pat. No. 5825811 to Souissi	Inbound channel access
US Pat. No.6628945 to Koorapaty et al.	Random access in wireless communications

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (703) 305-8637. The examiner can normally be reached on 7:00 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JP
12/9/04

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